

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DON E. DIZON.

Civil No. 2:12-cv-00408-JPH

Plaintiff,

VS.

ORDER FOR REMAND

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

The parties filed a stipulated motion for remand. **ECF No. 24**. The parties have consented to the magistrate judge's jurisdiction. ECF No. 6. After consideration,

IT IS ORDERED that the **motion is granted**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) to: (1) obtain a medical examination with psychological testing; (2) obtain a medical expert to determine the nature and severity of Plaintiff's mental

1 impairments; (3) take steps necessary to update the administrative record; (4)
2 reevaluate Plaintiff's residual functional capacity with reference to the opinions of
3 record, specifically addressing the opinions and clearly articulating the basis for
4 rejecting any opinion; (5) further evaluate the opinions of Minerva Arrienda, M.D.,
5 James Frazier, M.D., W. Scott Mabee, Ph.D., as well as mental health counselors
6 Kim Hammond, B.S., and Patricia Fray, ARNP; (6) reevaluate the Plaintiff's
7 credibility in a manner consistent with Social Security Ruling (SSR) 96-7p and
8 provide clear and convincing reasons for rejecting subjective complaints; (7) and,
9 obtain the aid of a vocational expert to determine the impact of Plaintiff's residual
10 functional capacity on the occupational base. If the Plaintiff is determined to be
11 disabled, the ALJ shall make relevant alternate findings with regard to the
12 materiality of any drug or alcohol abuse.

13
14 The parties stipulate that this case be reversed and remanded to the ALJ on
15 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper
16 presentation, this Court will consider Plaintiff's application for costs and attorney's
17 fees under 28 U.S.C. § 2412(d).

18
19 DATED this 19th day of June, 2013.

20
21 S/ James P. Hutton
22 JAMES P. HUTTON
23 UNITED STATES MAGISTRATE JUDGE